



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

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DALLAS, TX 75202-2733

APR 06 2012

Steven A. Thompson, Executive Director
Oklahoma Department of Environmental Quality
P.O. Box 1677
Oklahoma City, OK 73101-1677

Dear Mr. Thompson:

This letter is sent to advise you of increased efforts planned by EPA Region 6 to further the Safe Drinking Water Act public health protection objectives for Oklahoma public water system consumers. This approach involves increased oversight of the Oklahoma Department of Environmental Quality (ODEQ) Public Water System Supervision (PWSS) Program and increased compliance monitoring and enforcement for Oklahoma public water systems.

Since 2006, EPA Region 6 has been directly implementing new drinking water regulations in Oklahoma. Direct implementation by EPA Region 6 has been necessary because ODEQ has lacked adequate resources to adopt and implement new drinking water regulations. While direct implementation of new drinking water regulations was expected to be only a short term, interim effort, EPA Region 6 is now concerned about the sustainability of ODEQ's PWSS program. Adding to the concern of seeing no commitment by ODEQ to adopt and implement new drinking water regulations, EPA Region 6 is further alarmed by findings from the 2011 End of Year Review and the August 2011 File Review, which both reflect deficiencies in implementation and enforcement of regulations that ODEQ has already adopted. For these reasons, EPA Region 6 is committing more resources to ODEQ PWSS program oversight and enforcement.

A successful drinking water primacy program is able to adopt and implement new drinking water regulations, excels in implementation of existing regulations, and conducts key primacy program activities in accordance with Title 40 of the Code of Federal Regulations Part 142.16. It is important to note that the other four EPA Region 6 State drinking water programs have been able to satisfy these drinking water primacy requirements. ODEQ was the first state agency in the nation to receive primacy for the PWSS program, and, until recent years, ODEQ's program was exemplary in adopting and implementing new rules to keep their PWSS program current. We have been surprised to see Oklahoma's program go from a national leader to one that trails the other States in the Region. The two-year extensions granted by EPA Region 6 have long expired for adoption of the three most recent drinking water rules. The extension deadline for both the Long Term 2 Enhanced Surface Water Treatment Rule (LT2 ESWTR) and Stage 2 Disinfectants and Disinfection Byproduct Rule (Stage 2 DBPR) expired in January 2010, and the Groundwater Rule (GWR) extension deadline expired in November 2010.

In addition to delayed rule adoption, EPA Region 6 is very concerned with the following program deficiencies found in the August 2011 File Review:

- Sanitary surveys are not including all eight required elements defined in the Interim Enhanced Surface Water Treatment Rule (IESWTR) and Ground Water Rule (GWR)
- Lack of Synthetic Organic Chemicals (SOCs) monitoring schedules for new sources
- Discrepancies related to increased repeat sampling under the Total Coliform Rule (TCR), as well as late compliance determinations
- 90th percentile sample values or Action-Level Exceedance (ALE) values for lead and copper are not entered into SDWIS/State in a timely fashion and are not being calculated correctly (these calculations are done manually by ODEQ staff and are not automated)
- Delayed Notice of Violation letters has resulted in requests for Public Notice (PN) being sent approximately six months after a violation occurs. This is especially troubling in the case of acute public health risks with TCR and ESWTR MCL and Treatment Technique (TT) violations that occur on a monthly basis.

Based on the recent findings from the 2011 End of Year Review and August 2011 File Review mentioned above, EPA Region 6 plans to increase federal oversight of the Oklahoma PWSS Program and will work closely with your staff in developing corrective actions. Concurrent to increased oversight and development of PWSS program corrective actions, EPA Region 6 plans to increase its drinking water enforcement efforts in Oklahoma. The first steps EPA Region 6 will undertake include issuing information requests to drinking water suppliers, performing inspections, and initiating enforcement actions. These actions will begin by summer 2012. EPA Region 6 is taking these steps to ensure the continued delivery of safe drinking water to Oklahoma residents.

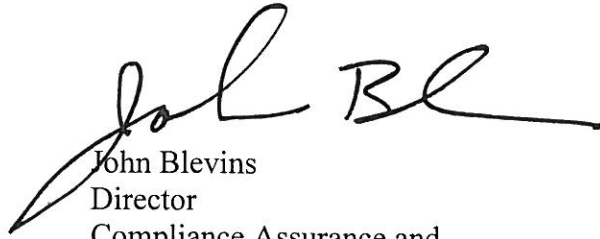
Although we understand the fiscal constraints that Oklahoma has been under and continues to face, we continue to believe that it is most cost effective for the State -- rather than the federal government -- to implement the PWSS program. To this end, EPA Region 6 will continue to work closely with ODEQ to develop strategies to address ODEQ's challenges, as well as ensuring the citizens of Oklahoma have access to safe drinking water. Please recognize that while EPA Region 6 is increasing PWSS oversight and enforcement efforts in Oklahoma, we likewise expect ODEQ to increase efforts to maintain an effective PWSS program. Unless state support for the drinking water program increases, ODEQ's ability to maintain its drinking water primacy program will be in jeopardy.

EPA Region 6 looks forward to working with ODEQ in providing citizens of Oklahoma a safe and sustainable supply of drinking water. Please feel free to contact us with questions or concerns regarding PWSS oversight or drinking water enforcement in Oklahoma.

Sincerely yours,

A handwritten signature in black ink, appearing to read "WK Honker".

William K. Honker, P.E.
Acting Director
Water Quality Protection Division

A handwritten signature in black ink, appearing to read "John Blevins".

John Blevins
Director
Compliance Assurance and
Enforcement Division